

Pertinent Pesticide  
Statutes and Regulations  
  
for  
  
Certified Private Applicators  
(Revised to October, 2002)



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This document contains the Connecticut pertinent pesticide regulations and statutes for the Certified Private Applicator. These pertinent statutes and regulations were revised to October 2002. This document was prepared by the State of Connecticut Department of Environmental Protection and is provided for the convenience of the reader.

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## Table of Contents\*

\*(Note: A break in the numbering sequence indicates that a section not pertinent to certified private applicators has been omitted.)

### Part I

#### Connecticut General Statutes (Chapter 441)

Short Title.	Sec. 22a-46
Definitions	Sec. 22a-47
Pesticide applicators, certification, classification, notice, fees, reciprocity; financial responsibility; aircraft, tree, public employee applicators	Sec. 22a-54
Restrictions on sale of pesticides	Sec. 22a-57
Records to be kept by distributors and applicators	Sec. 22a-58
Enforcement; inspection, samples, warrants	Sec. 22a-59
Prohibited acts. Certification refusal, revocation	Sec. 22a-61
Penalties; fine, imprisonment. Agents	Sec. 22a-63
Notification of the application of pesticides.	Sec. 22a-66a
Permits for use of pesticides in state waters.	Sec. 22a-66z
"Integrated pest management" defined.	CGS Ch 422 Sec. 22-11a
Duties of The University of Connecticut Cooperative Extension Service regarding integrated pest management	CGS Ch 422 Sec. 22-11b
Research consistent with goals of integrated pest management	CGS Ch 422 Sec. 22-84a
Pollution of groundwaters. Orders to persons engaged in agriculture for contamination of groundwater by pesticides.	CGS Ch 446k Sec. 22a-471
Exemption from potable drinking water orders for persons engaged in agriculture	CGS Ch 446k Sec.22a-471a
"Person engaged in agriculture" defined.	CGS Ch 446k Sec. 22a-471b

## Part II

### Regulations of Connecticut State Agencies

Definitions	Sec. 22a-50-1
Fees for certification of pesticide applicators	Sec. 22a-54-2
Discarding of pesticides and containers	Sec. 22a-65-1
Use of pesticides. Definitions	Sec. 22a-66-1
Control of registrations and uses	Sec. 22a-66-2
Use of microencapsulated methyl parathion	Sec. 22a-66-2b
Application of pesticides	Sec. 22a-66-3
Certification and licensing of applicators	Sec. 22a-66-5
Permits	Sec. 22a-66-6
Aircraft applications	Sec. 22a-66-7
Application of chemicals to state waters	Sec. 22a-66z-1

## Part I

### Connecticut General Statutes Chapter 441 Pesticide Control

**Sec. 22a-46.** Short Title. This part, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f may be cited as the "Connecticut Pest Control Act".

**Sec. 22a-47.** Definitions. For purposes of this part, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f:

(d) "Certified applicator" means any individual who is certified under section 22a-54;

(e) "Private applicator" means a certified applicator who uses or supervises the use of any pesticide, which is classified for restricted use for the purpose of producing any agricultural commodity, on property owned or rented by him or his employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the property of another person: A pesticide shall be construed to be applied under the direct supervision of a private applicator if it is applied by a competent person on property owned or rented by a private applicator acting under the instructions and control of a private applicator who is available if and when needed;

(f) "Commercial applicator" means any individual, whether or not he is a private applicator with respect to some uses, who uses or supervises the use of (1) any restricted use pesticides or (2) any pesticide on property not owned or rented by him or his employer;

(u) "Person" means any individual, partnership, association, corporation, limited liability company government entity, or any organized group of persons whether incorporated or not;

(w) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant;

(cc) "Restricted use pesticide" means any pesticide or pesticide use classified as restricted by the administrator of the United States Environmental Protection Agency or by the commissioner.

**Sec. 22a-54. Pesticide applicators, certification, classification, notice fees; reciprocity, financial responsibility, aircraft, tree, public employee applicators.** (a) No individual shall use or supervise the use of any restricted use pesticide within this state at any time without a private or commercial certificate or permit issued in accordance with the provisions of this section, unless the use is under the direct supervision of a certified applicator; provided, any pesticide classified for restricted use by the administrator of the United States Environmental Protection Agency shall be used only by a certified applicator or under the direct supervision of a certified applicator. The commissioner shall have exclusive authority in the regulation of pesticide spraying, including, but not limited to, practices and procedures prior to and during any spraying, except as provided in section 22a-66z. The commissioner may by regulations adopted in accordance with the provisions of chapter 54 establish procedures for municipalities to designate watercourses or other sources of water which applicators may draw upon for pesticide spraying.

(c) The following provisions shall govern the certification of applicators:

(1) No person shall engage in commercial application of pesticides within this state at any time without a certificate issued in accordance with the provisions of this section. No person shall engage in the private application of restricted use pesticides without a certificate issued in accordance with the provisions of this section. Application for such certificate shall be made to the commissioner and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters including, but not limited to, a knowledge of integrated pest management and the role of honey bees in agriculture, pesticides that are especially toxic to honey bees, and methods of application which minimize damage to honey bees, as the commissioner may require.

(2) The commissioner shall require the applicant to demonstrate, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

(e) The following provisions shall govern the certification of aircraft applicators:

(1) No person shall apply, offer to apply or cause to be applied any pesticide or fertilizer by aircraft without a certificate or permit issued in accordance with the provisions of this subsection.

(2) Upon application of any person qualified to fly an aircraft, the commissioner may issue a certificate for the application of pesticides or fertilizers by aircraft. Applications for said certificate shall be on forms provided by the commissioner and shall be accompanied by a fee established by the commissioner by regulations adopted in accordance with the provisions of chapter 54 provided the fee shall not be less than twenty five dollars

(3) The commissioner may issue a permit to the owner of any crop or land, or to a representative designated by such owner, for application of pesticides or fertilizers by a certified aircraft applicator. Application for said permit shall be on forms provided by the commissioner and shall be accompanied by a fee established by the commissioner by regulations adopted in accordance with the provisions of chapter 54 provided the fee shall be not less than ten dollars. The commissioner may waive the application form and fee requirements imposed pursuant to regulations adopted in accordance with the provisions of chapter 54 in circumstances where application of broad spectrum chemical pesticides from the air is necessary to control specific vectors of human disease which pose an imminent threat to public health. The commissioner may require inspection of the crop or area and its immediate environs and approval as follows:

(A) For agricultural crops, nurseries and orchards, by the director of the Connecticut Agricultural Experiment Station;

(B) For rodent control, woodland spraying and mosquito control spraying, by the commissioner.

(C) For control of vectors of human disease, by the Commissioner of Public Health.

(4) The commissioner shall designate the kind and amount of pesticides permitted for use by aircraft. Permits for aircraft spraying in congested areas shall be issued only with the approval of the director of health of the municipality in which the operation is to be conducted except in circumstances where the commissioner determines that the application of broad spectrum chemical pesticides from the air is necessary to control specific vectors of human disease which pose an imminent threat to public health.

(6) No person may apply pesticides or fungicides by aircraft or by misting-type devices to shade tobacco crops within three hundred feet of an inhabited residential building for which a certificate of occupancy was issued prior to January 1, 1997, without the written permission of the owner of such building, except spray applications may be administered within the confines of the netting. This subdivision shall not apply to an application of pesticides or fungicides to land which was poled for the cultivation of shade tobacco between January 1, 1994 and January 1, 1997.

(f) The commissioner may by regulation prescribe fees for applicants to defray the cost of administering examinations and assisting in carrying out the purposes of section 22a-451, except the fees for certification and renewal of a certification shall be as follows: (1) For supervisory certification as a commercial applicator, one hundred fifty dollars; (2) for operational certification as a commercial applicator, twenty dollars and (3) for certification as a private applicator, twenty-five dollars. A federal, state or municipal employee who applies pesticides solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a federal, state or municipal employee for which a fee has not been paid shall be void if the holder leaves government employment. The fees collected in accordance with this section shall be deposited in the General Fund.

(i) Federal, state and municipal employees who use or supervise the use of restricted or permit use pesticides shall be certified in conformance with this section.

**Sec. 22a-57. Restrictions on sale of pesticides.** (a) No person shall distribute, sell or offer for sale any restricted use pesticide to any person unless that person is a commercial supervisor or private applicator certified under section 22a-54 or a seller registered under section 22a-56.

(b) No person shall distribute, sell or offer for sale any permit use pesticide to any person unless that person has a permit issued in accordance with the provisions of this part, subsection (a) of section 23-61a or sections 23-61b to 23-61d, inclusive, or to a seller registered under section 22a-56.

(c) The provisions of this section shall apply to all persons who distribute, sell or offer for sale restricted and permit use pesticides for use in the state of Connecticut.

**Sec. 22a-58. Records to be kept by distributors and applicators.** (a) The commissioner may prescribe regulations requiring each distributor, common or contract carrier, dealer, or any other person who distributes, sells or offers for sale, delivers or offers for delivery any restricted or permit use pesticide or device subject to this part to maintain such records with respect to their operations and the pesticides and devices produced as specified in subsection (b) of this section.

(c) Private applicators shall maintain a record with respect to each use of restricted use pesticides, which shall include, but not be limited to, the following information: (1) The name of the applicator, (2) the kind and amount of pesticide used, (3) the date and place of application, and (4) the crop or site treated and the amount of acreage treated. A copy of the record shall be submitted to the commissioner on or before January thirty-first for the preceding calendar year in which the application was made.

(e) For purposes of enforcing the provisions of this part, any commercial applicator or private applicator using restricted pesticides shall, upon request of any officer or employee duly designated by the commissioner, furnish such person or permit such person to have access to and to copy, at reasonable times, the records required by subsection (c) or (d) of this section.

**Sec. 22a-59. Enforcement, inspection, samples, warrants.** (a) For purposes of enforcing the provisions of this chapter, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f, officers or employees duly designated by the commissioner are authorized to enter at reasonable times, any establishment or other place where pesticides or devices are being or have been used, or where pesticides or devices are held for use, distribution or sale in order to: (1) Observe the application of pesticides; (2) determine if the applicator is or should be certified; (3) determine if the applicator has obtained a proper permit to apply restricted use pesticides; (4) inspect equipment or devices used to apply pesticides; (5) inspect or investigate the validity of damage claims; (6) inspect or obtain samples in any place where pesticides or devices have been used or are held for use, storage, distribution or sale; (7) obtain samples of any pesticides or devices packaged, labeled and released for shipment and samples of any containers or labeling for such pesticides or devices, and (8) obtain samples of any pesticides or devices that have been used and obtain samples of any containers or labeling for such pesticides and devices. Before undertaking such inspection, the officers or employees shall present to the owner, operator, or agent in charge of the establishment or other place where pesticides or devices are held for distribution or sale, appropriate credentials and a written statement as to the reason for the inspection, including a statement as to whether a violation of the law is suspected. If no violation is suspected, an alternate and sufficient reason shall be given in writing. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples, prior to leaving the premises, he shall give to the owner, operator, or agent in charge a receipt describing the samples obtained and, if requested, a portion of each such sample equal in volume or weight to the portion retained. If an analysis is made of such samples, the laboratories of the Connecticut Agricultural Experiment Station may be used and a copy of the results of such analysis shall be furnished promptly to the owner, operator or agents in charge and the commissioner.

(b) For purposes of enforcing the provisions of this part, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f, and upon a showing to an officer or a court of competent jurisdiction that there is reason to believe that the provisions of this chapter and said sections have been violated, officers or employees duly designated by the commissioner are empowered to obtain and to execute warrants authorizing: (1) Entry for the purpose of this section; (2) inspection and reproduction of all records showing the quantity, the date of shipment, and the name of the consignor and consignee of any pesticide or device found in the establishment which is adulterated, misbranded, not registered, in the case of a pesticide, or otherwise in violation of this part and said sections and in the event of the inability of any person to produce records containing such information, all other records and information relating to such delivery, movement, or holding of the pesticide or device; and (3) the seizure of any pesticide or device which is in violation of this part and



said sections.

**Sec. 22a-61. Prohibited acts. Certification refusal, revocation; grounds, hearing.**

(a) Except as provided by subsection (b) of this section, it shall be unlawful for any person to use, distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and having so received, deliver or offer to deliver, to any person:

(1) Any pesticide which is not registered pursuant to this part, except as provided by subsection (a) of section 22a-52;

(b) It shall be unlawful for any person:

(1) To detach, alter, deface, or destroy, in whole or in part, any labeling required under FIFRA;

(2) To refuse to keep any records required pursuant to section 22a-58, or to refuse to allow the inspection of any records or establishment pursuant to sections 22a-58 and 22a-59, or to refuse to allow an officer or employee of the Department of Environmental Protection to take a sample of any pesticide pursuant to section 22a-59;

(6) To make available for use, or to use, any registered pesticide classified for restricted use or permit use for some or all purposes other than in accordance with section 22a-50 and any regulations adopted thereunder;

(7) To use any registered pesticide in a manner inconsistent with restrictions prescribed under this part, subsection (a) of section 23-61a, section 23-61b or inconsistent with labeling;

(8) To use any pesticide which is under an experimental use permit contrary to the provisions of the permit;

(14) To knowingly falsify all or part of any application for registration, application for experimental use permit, any records required to be maintained pursuant to section 22a-58, any report filed under this part, or any information marked as confidential and submitted to the commissioner under any provision of this part;

(d) It shall be unlawful for any person not certified as a commercial applicator to advertise or to solicit to perform commercial application of pesticides.

(e) It shall be unlawful for any person possessing an operational certificate for commercial application to perform or to advertise or solicit to perform any activity requiring a supervisory certificate for commercial application.

(f) (1) The commissioner may refuse to grant applicator certification or renewal of certification and may revoke or suspend certification following a hearing in accordance with the provisions of chapter 54. Any violation of a section of this part or section 22a-66y or 22a-66z or a regulation adopted thereunder, applicable to certified applicators, shall be grounds for denial, suspension or revocation of certification. Grounds for denial, revocation or suspension shall include, but shall not be limited to the following: (A) Use of a pesticide in a manner inconsistent with the registered labeling or with state or federal restrictions on the use of such pesticide; (B) falsification of records required to be maintained pursuant to subsection (c) or (d) of section 22a-58, or refusal to keep and maintain such records; (C) applying pesticides generally known in the trade to be ineffective or improper for the intended use; (D) operating faulty or unsafe equipment; (E) applying a pesticide in a faulty, careless or negligent manner; (F) neglecting or refusing to comply with the provisions of this part, the rules or regulations adopted hereunder, or any lawful order of the commissioner; (G) using fraud or misrepresentation in making an application for or in renewing a permit or certification; (H) refusing or neglecting to comply with any limitations or restriction in a duly issued permit or certification; (I) aiding or abetting a certified or uncertified person to evade the provisions of this part, or conspiring with such a certified or uncertified person to evade the provisions of this part; (J) allowing one's permit or certification to be used by another person; (K) making a false or misleading statement during an inspection or investigation concerning an infestation of pests, accident in applying a pesticide, misuse of a pesticide, or violation of a statute or regulation; (L) performing work, whether for compensation or not, in a category for which the applicator does not have certification, or (M) failure to submit records required to be maintained pursuant to subsection (c) of section 22a-58.

(2) The commissioner shall review an applicator's certification in the event that: (A) the applicator is convicted of a criminal violation of FIFRA; or (B) a final order is issued by the Environmental Protection Agency assessing a civil penalty against the applicator under FIFRA; or (C) the applicator's certification has

been revoked in another state, and may institute a suspension or revocation hearing.

(3) Any certified applicator whose certification is suspended or revoked under the provisions of this part shall not be eligible to apply for a new certificate until such time has elapsed from the date of the order suspending or revoking said certificate as has been established by the commissioner.

**Sec. 22a-63. Penalties; fine, imprisonment. Agents.** (a) Any registrant, commercial applicator, uncertified person who performs or advertises or solicits to perform commercial application, wholesaler, dealer, retailer or other distributor who knowingly violates any provision of this chapter, subsection (a) of section 23-61a, or sections 23-61b to 23-61d, inclusive, shall be fined not more than five thousand dollars, or imprisoned for not more than one year or both.

(b) Any private applicator or other person, not included in subsection (a), who knowingly violates any provision of this chapter, subsection (a) of section 23-61a, or sections 23-61b to 23-61d, inclusive, shall be fined not more than one thousand dollars, or imprisoned for not more than thirty days or both.

(d) When construing and enforcing the provisions of this chapter, subsection (a) of section 23-61a, sections 23-61b to 23-61d, inclusive, and 23-61f, the action, omission or failure to act of any officer, agent or other person acting for or employed by any person shall in every case be also deemed to be the action, omission or failure to act of such person as well as that of the person employed.

(e) Any person who violates any provision of this chapter may be assessed a civil penalty of not more than two thousand five hundred dollars per day for each day such violation continues. The Attorney General, upon complaint of the commissioner, shall institute a civil action to recover such penalty in the Superior Court for the judicial district of Hartford-New Britain. All actions brought by the Attorney General shall have precedence in the order of trial as provided in section 52-191.

**Sec. 22a-66a. Notification of the application of pesticides. Registry. Regulations. Penalty.**(d) Notwithstanding the provisions of subsection (c) of this section, any person making an outdoor application of a restricted use pesticide on land which produces agricultural commodities shall post a sign notifying the public of such application (1) at each conspicuous point of entry and (2) at every one hundred and fifty feet of road frontage of treated property if the application is within one hundred yards of any public road. If the application is more than twenty-five feet from a public road, such person shall be exempt from the requirements of subdivision (2) of this subsection for up to five hundred square feet of an application. Any sign posted pursuant to this subsection may be posted on a seasonal basis from the date of first application until the reentry period established under FIFRA, as amended from time to time, has lapsed for the last pesticide used or may be placed on an application-specific basis from the date of application until the reentry period established under FIFRA has lapsed for such application. Any such sign shall be maintained by the person making application in a readable manner provided such person shall not be responsible for acts of vandalism to such sign. Any sign posted pursuant to this subsection shall be not less than eight and one-half inches by eleven inches in size and shall be in form substantially as follows:

ATTENTION

RESTRICTED USE PESTICIDES ARE IN USE

PLEASE AVOID THIS AREA

The word "ATTENTION" shall be in letters at least one and one-half inches high, the words "RESTRICTED USE PESTIDES ARE IN USE, PLEASE AVOID THIS AREA" shall be in letters at least three-fourths of an inch high and any other wording on the sign shall be one-quarter of an inch or smaller.

**Sec. 22a-66z. (Formerly Sec. 19-300u). Permits for use of pesticides in state waters.** The Commissioner of Environmental Protection may issue permits for the introduction of chemicals into the waters of the state for the control of aquatic vegetation, fish populations or other aquatic organisms. Application for said permit shall be on forms provided by the commissioner and shall be accompanied by a fee established by the commissioner by regulations adopted in accordance with the provisions of chapter 54 provided the fee shall not be less than ten dollars. No permit shall be issued without prior approval, if the proposed application of chemicals involves areas tributary to reservoirs, lakes, ponds or streams used for public water supply, by the Commissioner of Public Health. Each permittee shall be responsible for any and all damages resulting from the applications of any pesticide to control aquatic vegetation, fish populations or other organisms. The commissioner, acting with the Department of Public Health, may establish regulations governing the use of

pesticides in the waters of the state, including the marine district. The provisions of this section shall not apply to normal, emergency or experimental operations of the Department of Environmental Protection, the Department of Public Health or public water supply utilities, except that chemicals may not be applied to waters used for water supply furnished to the public or tributary to such water supply without prior approval of the Department of Public Health. Enforcement officers of the Department of Environmental Protection and the Department of Public Health may enforce the provisions of this section.

**Sec. 22-11a. "Integrated pest management" defined.** As used in sections 22-11b, and 22-84a, "integrated pest management" means a comprehensive strategy of pest control whose major objective is to maintain high crop quality with a minimum use of pesticides and includes, but is not limited to, the following methods: Pest trapping, crop scouting, pest resistant crop varieties, increased use of biological control, cultural controls, and judicious use of certain pesticides.

**Sec. 22-11b. Duties of the University of Connecticut Cooperative Extension Service re integrated pest management.** (a) Within available appropriations, The University of Connecticut Cooperative Extension Service shall develop and implement (1) nonagricultural integrated pest management programs which shall include, but not be limited to, programs for trees, shrubs, turf and structural applications of integrated pest management techniques and (2) agricultural integrated pest management programs, including, but not limited to, programs for vegetables, fruit, forage crops and nurseries. Such programs may incorporate research developed by the Connecticut Agricultural Experiment Station pursuant to section 22-84a.

(b) Within available appropriations, The University of Connecticut Cooperative Extension Service, upon request of any state department, agency or institution, shall assist such department, agency or institution in determining the feasibility of integrated pest management and may provide technical assistance to such department, agency or institution in implementing integrated pest management.

(c) The University of Connecticut Cooperative Extension Service shall, on or before February first, annually, submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the environment on implementation of integrated pest management programs.

**Sec. 22-84a. Research consistent with goals of integrated pest management.**

The Connecticut Agricultural Experiment Station shall, in accordance with the provisions of this chapter, continue its research in the reduction of pesticide use, the improvement of crop quality and other projects that are consistent with the goals of integrated pest management and shall make its findings available to The University of Connecticut Cooperative Extension Service.

**22a-471. Pollution of groundwaters. Orders to provide potable drinking water. Grants to municipalities. Hearing on order to abate. Appeal. Injunction. Forfeiture for violations. Orders to persons engaged in agriculture for contamination of groundwater by pesticides.**

(f) (1) Notwithstanding the provisions of subsection (a), if the commissioner determines that a person whose actions have caused or can reasonably be expected to cause pollution of the groundwaters by the application of a pesticide (A) has properly applied the pesticide or arranged for a pesticide application which was properly performed, (B) was engaged in agriculture at the time the pesticide was applied and used the pesticide solely in the production of agricultural commodities, (C) has agreed to implement the plans specified in subdivision (2) of this subsection, and (D) maintained the records of the application of the pesticide as required by section 22a-58 and the records and plan identified in section 22a-471a, the commissioner shall not issue an order under subsection (a) to the person engaged in agriculture, but may issue an order under said subsection (a) to another responsible person, including but not limited to the producer of the pesticide, requiring the short-term and long-term provision of potable drinking water in accordance with said subsection (a). The commissioner shall not issue an order under said subsection (a) to a person engaged in agriculture who did not maintain the records identified under section 22a-471a if said commissioner finds such records are not relevant to a determination of the party responsible for pollution of the groundwaters. If the commissioner is unable to determine the responsible person, he may issue such order to the municipality wherein groundwaters unusable for potable drinking water are located.

(2) If the commissioner determines that a person engaged in agriculture has caused or can reasonably be expected to cause pollution of the groundwaters by pesticides, he may cause such person to submit to the commissioner and, upon approval by the commissioner, implement a plan to minimize the potential for groundwater contamination from the storage, handling and disposal of pesticides at the locations where such person engaged in agriculture.

(3) For the purposes of this subsection, a pesticide is properly applied if at the time of the application

the pesticide was licensed by or registered with the state and federal government and was applied in a manner consistent with (A) the labeling of the pesticide, as defined in section 22a-47, (B) applicable state and federal statutes and regulations at the time of the application, (C) any approvals or recommendations of the federal, state or local government, including any limitations, warnings or conditions of such approvals or recommendations, and (D) generally accepted agricultural management practices at the time of application, considering any special geological, hydrological or soil conditions of which the farmer was aware or reasonably should have been aware.

(4) Any municipality which receives an order pursuant to subdivision (1) of this subsection shall be eligible for a grant from the state in accordance with subparagraph (1) of subsection (b) of this section.

(5) The provisions of this subsection shall apply to pollution of the groundwaters by pesticides discovered on or after May 26, 1988. All orders issued pursuant to this section by the commissioner prior to May 26, 1988, shall remain in effect unless the orders are otherwise revoked, amended or modified by said commissioner.

(6) Nothing in this subsection, section 22a-471a or section 22a-471b shall affect or limit any right of action of an individual against any person engaged in agriculture for injury to person or property resulting from the use of a pesticide.

(7) For purposes of this subsection, "pesticide" shall have the same meaning as specified in section 22a-47.

**Sec. 22a-471a. Exemption from potable drinking water orders for persons engaged in agriculture.** (a) The provisions of subsection (f) of section 22a-471 shall apply to any person engaged in agriculture on May 26, 1988, who makes an application or arranges for the application of a general use or restricted use pesticide to agricultural or horticultural products or to the land provided such person (1) maintains the records specified in subsection (d) and (2) develops and implements by July 1, 1989, the plan specified in subsection (e).

(b) On or after July 1, 1989, the provisions of subsection (f) of section 22a-471 shall not apply to any person engaged in agriculture who (1) fails to maintain the records specified in subsection (d) or (2) has not developed and implemented the plan specified in subsection (e) when such records have been maintained for less than three years.

(c) The provisions of subsection (f) of section 22a-471 shall apply to any person beginning agricultural activities on or after July 1, 1989, who makes an application or arranges for the application of a general use or restricted use pesticide to agricultural or horticultural products or to the land provided such person (1) maintains the records specified in subsection (d) and (2) develops and implements the plan specified in subsection (e).

(d) The records required under subsection (a) shall include a record of the following information for each application of a general use or restricted use pesticide to an agricultural or horticultural product to the land: (1) The name of the applicator; (2) the kind and amount of the pesticide used; (3) the date and place of application; (4) the crop and amount of acreage treated; (5) the name of the manufacturer and the product registration number assigned by the United States Environmental Agency of each pesticide and (6) the invoice or purchase receipt of the pesticide. Such records shall be maintained by the person engaged in agriculture for not less than twenty years after the date of application.

(e) Any plan prepared under subsection (a) shall be appropriate for the agricultural activities conducted on the land and shall minimize the potential for groundwater contamination from pesticides. Such plan shall include provisions for integrated pest management, if available, proper amounts and rates of pesticide applications, calibration of equipment and timing and frequency of pesticide application. The plan shall be prepared and revised as necessary in accordance with guidelines issued or approved by the College of Agriculture and Natural Resources at the University of Connecticut.

**Sec. 22a-471b. "Person engaged in agriculture" defined.** As used in subsection (f) of section 22a-471 and section 22a-471a, "person engaged in agriculture" means a person operating a farm, as defined in subsection (q) of section 1-1, that produces agricultural products for sale from which annual gross sales of one thousand dollars or more from agricultural products were realized during each calendar year during which pesticides were applied to an agricultural or horticultural product or to the land.

## Part II

### Regulations of Connecticut State Agencies

#### Sec. 22a-50-1. Definitions

(a) The definition of terms used in these regulations shall be consistent with the definitions in Section 22a-47, Connecticut General Statute.

(b) The following terms not defined in Section 22a-47, Connecticut General Statutes, are defined as follows:

(1) aquatic use - materials applied on or in water except in self contained artificial structures such as cooling towers and swimming pools.

(2) bioaccumulation - the concentration of a substance in an organism which exceeds those concentrations found in the surrounding environment.

(3) breakdown product \_ a chemical substance resulting from the transformation of a pesticide by physical, chemical, electromagnetic, or biological means.

(4) carcinogenesis - the generation of malignant tumors in animals.

(5) Dermal LD50 - the amount of material, expressed as mg substance/kg test animal or ppm, placed on the skin that will kill 50% of the number of test animals.

(6) food chains - the numerous pathways by which matter and energy are exchanged within an ecosystem.

(7) inhalation LC50 - that concentration, expressed as mg substance/liter of air or ppm in the air, that would be lethal to 50% of the test population of animals within a specific time and under specified test conditions.

(8) mutagenesis - the generation of genetic changes in animals or somatic changes in subsequent generations of animals.

(9) oral LD50 - the amount of material expressed as mg substance/kg test animal or ppm absorbed through the digestive tract that will kill 50% of the number of test animals.

(10) "Ready to Use" - a pesticide as sold to the user, registered and labeled for immediate application without further dilution.

(11) synergism - cooperative action of two or more agents such that the joint effect is greater than the sum of the single effects taken independently.

(12) teratogenesis - the generation of congenital defects in animals, which are ordinarily non-hereditary.

(13) use dilution - the material as diluted according to label directions for an application.

#### Sec. 22a-54-2. Fees for certification of pesticide applicators.

(a) The following fees shall be charged for the examination and certification of pesticide applicators:

- (1) Commercial Applicator - Supervisory
  - (A) examination fee: \$25.00
  - (B) recertification examination fee for certificate holders: \$10.00
  - (C) certification fee: \$150.00 for five years. (fee set by statute in Section 22a-54(f);)
- (2) Commercial Applicator - Operator
  - (A) examination and certification fee: \$20.00 for five years. (fee set by statute in Section 22a-54(f);)
- (3) Private Applicator
  - (A) examination fee: \$5.00
  - (B) recertification examination fee for certificate holders: \$5.00
  - (C) certification fee: \$25.00 for five years (fee set by statute in Section 22a-54(f);)
- (4) Aircraft Applicator
  - (A) Examination fee: \$25.00

(B) Certification fee:\$25.00 for one year

(b) No fee shall be charged to any federal, state or municipal employee who applies pesticides as part of his or her duties as a governmental employee provided that any certificate for which a fee is not charged shall be automatically void if the holder leaves government employment.

**Sec. 22a-65-1. Discarding of pesticides and container.**

No person shall discard any pesticide or container therefor in such a manner as to cause pollution of any waterway or endanger plant and animal life or the public health and safety. The discarding of any pesticide into any public sewage disposal system is prohibited.

**Sec. 22a-66-1. Use of pesticides. Definitions.**

(a) The definitions of terms used in these regulations shall be consistent with the definitions in Section 22a-47 of the General Statutes.

(b) The following terms not defined in Section 22a-47 are defined as follows:

(1) "Borer control" means the control through the use of pesticides of insects whose larval life takes place within plant stems;

(2) "Termite control" means the extermination of termites within, beneath or closely adjacent to a structure and the prevention of future termite entry which is accomplished through the use of pesticides.

(3) An Electrical Service Entrance shall be that area of a structure where the electrical power supply enters and is subsequently distributed to other parts of the structure.

(4) A pesticide distributor shall be any person representing himself/herself or a single firm, corporation, dealership or other entity engaged in the business of distributing, selling, offering for sale, or holding for sale to the ultimate user, any restricted-use or permit-use pesticide.

**Sec. 22a-66-2. Control of registration and uses.**

(a) The following pesticides shall not be registered and their use shall be prohibited:

(1) Arsenic products except tricalcium arsenate for control of *Poa annua*, sodium arsenate for use in the treatment of lumber for protection against termites and decay-producing fungi, calcium acid methanearsonate (CMA), monosodium methanearsonate (MSMA), disodium methanearsonate (DSMA, MAA), ammonium methanearsonates and cacodylic acid and its sodium salt.

(2) Benzene hexachloride (BHC).

(3) Cadmium products.

(4) Dichloro diphenyl dichloroethane (DDD).

(5) Dichloro diphenyl trichloroethane (DDT).

(6) Dodecachlorooctahydro-1, 3, 4-metheno-1H-cyclobuta (cd) pentalene (Mirex)

(7) Lead products.

(8) Mercury products except inorganic mercury products for control of winter turf disease on golf courses, provided that no mercury products will be applied to land which is either: (i) (aa) within two hundred and fifty feet of high water of a potable water supply reservoir; (bb) within the areas along watercourses which are covered by any of the critical components of a stream belt; (cc) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural depressions between the slopes and watercourses; (dd) within two hundred feet of groundwater wells; (ee) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or (ff) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States soil conservation service that are contiguous to land described in subdivisions (cc) or (dd) of this subsection and that extend to the top of the slope above the receiving watercourse, or (ii) land which is either (aa) on a public drinking supply watershed which is not included in subsection (l) above or (bb) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir.

(9) Phosphorous paste products.

(10) Selenium products.

(11) Terpene polychlorinates (65 or 66% chlorine) consisting of chlorinated camphene, pinene and related polychlorinates (Strobane).

(12) Thallium products.

(13) Toxaphene.

(b) The following pesticides shall be registered and used for the following purposes only:

(1) Aldrin for use as a termite control.

- (2) Dieldrin for use as a termite control.
- (3) Lindane for leafminer, bark beetle, powder post beetle, or borer control, or for prescribed use on humans by a physician licensed by the State of Connecticut, or for prescribed use on animals by a veterinarian licensed by the State of Connecticut.
- (4) Endrin for use as a mouse control in commercial orchards.
- (5) Sodium fluoride for use as a wood preservative.
- (6) Strychnine for use as rat and mouse control.
- (7) Heptachlor to control subterranean termites when the method involves soil. injection, trench application, or other soil incorporation method of application.

(c) The following pesticides shall not be registered or used for the following purposes:

- (1) Any pesticide activated by thermal means, except pyrethrum, pyrethrins or pyrethroids, for indoor application, except indoor application for agricultural purposes;
- (2) Captan on pets or other animals;
- (3) Chlordane products.
- (A) for indoor applications except by applicators licensed by the State of Connecticut;
- (B) on pets or other animals except by veterinarians licensed by the State of Connecticut;
- (C) for indoor or outdoor application by mistblowers and other mist generators or thermal foggers.

**Sec. 22a-66-2b. The use of microencapsulated methyl parathion.** No person shall apply any microencapsulated methyl parathion except to control San Jose scale in orchards or, from January 1 through June 30, inclusive, to control first generation European corn borer on sweet corn. Prior to applying microencapsulated methyl parathion, the applicator shall ensure that the field or orchard being treated and any area subject to pesticide drift bordering thereon, is as free of flowering ground cover as possible by mowing, use of herbicide or by other techniques. It is recommended that microencapsulated methyl parathion not be applied when orchards or fields and areas subject to pesticide drift bordering thereon, contain more than five flowers per square yard.

**Sec. 22a-66-3. Application of pesticides.**

- (a) No person may use a federally restricted-use pesticide except under the supervision of a certified applicator.
- (b) There shall be a check valve or anti-siphoning device on all hoses used to draw water from a water supply if a reversal of flow would cause any pesticide to enter into the hose. The discharge side of a pump shall not be connected to any water system.
- (c) All filler hoses used as the intake in drawing water from water courses shall be covered except when in use, in order to prevent pesticide contamination.
- (d) No water to be used in pesticide applications shall be drawn from any stream or pond leading to a potable water supply reservoir.

**Sec. 22a-66-5. Certification and licensing of applicators.**

- (b) No person under 18 years of age shall be issued a pesticide certification or license.
- (c) All requests for duplicate licenses or certificates shall be made in writing. A charge of two dollars may be made to cover the cost of each duplicate license or certificate issued.
- (e) A certified applicator shall notify the Commissioner of any change of address within 30 days of such change.
- (i) The Commissioner may issue new certificates so that one-fifth of the certificates come due each year on the following schedule:
  - Year one -
    - applicators whose last names start with letters A - C
  - Year two -
    - applicators whose last names start with letters D - H
  - Year three
    - applicators whose last names start with letters I - M
  - Year four -
    - applicators whose last names start with letters N - S
  - Year five -
    - applicators whose last names start with letters T - Z

The required fee may be pro-rated in order to have the next renewal date fall due according to the above schedule.

#### **Sec. 22a-66-6. Permits.**

(b) All permit applications shall be made on forms furnished by the Commissioner and the applicant shall furnish all information required by the Commissioner.

(c) A permit-use pesticide requires the permit holder to be physically present at the time the permit-use pesticide is applied.

#### **Sec. 22a-66-7. Aircraft application.**

(a) Application for a permit to apply pesticides or fertilizers from the air shall be made on forms furnished by the Commissioner and the applicant shall furnish all information required by the Commissioner.

(b) No pesticide may be applied from the air to a tract of land less than 10 acres in size unless the tract of land to be treated is part of a larger parcel of land that is at least 10 acres in size. All aerial applications must have the prior inspection and approval required by Section 22a-54(e) of the General Statutes.

(c) No pesticidal dust may be applied within 100 feet of a public highway.

(e) No pesticide shall be applied from the air for agricultural purposes within 200 feet of a watercourse, pond or lake.

(f) Congested areas shall be considered those areas zoned 1/2 acre or less, or municipally or privately owned public parks, public playgrounds, and public swimming areas.

(g) (1) for the aerial application of pesticides and fertilizers other than *Bacillus thuringensis* (Bt), a written release is necessary from any landowner or resident whose property is under the spray pattern of the aerial application or subject to drift from such an application. The area subject to drift will be considered to be a minimum of 200 feet from the flight path of a helicopter and 300 feet from the flight path of a fixed-wing aircraft.

(2) (A) An applicant for a permit for aerial application of *Bacillus thuringensis* (Bt) must notify each landowner or resident whose property is under the spray pattern of an aerial application or subject to drift from such an application at least 31 days prior to the proposed date of spraying. The area subject to drift will be considered to be a minimum of 200 feet from the flight path of a helicopter and 300 feet from the flight path of a fixed-wing aircraft.

(B) Such notice shall be in writing and shall state:

(i) the proposed date or dates on which spraying is to occur;

(ii) the name of the pesticide to be sprayed;

(iii) the name of the permit applicant to be sprayed;

(iv) the name of the applicator, if known;

(v) in what manner, to whom and at what address the landowner or resident is to object to such spraying if he or she desires;

(vi) the time limit within which he or she desires;

(vii) that if no objection is made, the area will be sprayed.

(C) After receiving notice, a landowner or resident may waive his or her right to object by signing a written release. If all landowners or residents in any area waive their right to object, that area may be sprayed prior to expiration of the objection period, provided, however, that the information specified in subparagraph (E) is forwarded to the commissioner, and a permit is obtained.

(D) *Bacillus thuringensis* (Bt) shall not be applied from the air if a landowner or resident whose property is under the spray pattern or subject to drift from the application objects, in writing, to the permit application within 30 days of the date notification was received.

(E) At the end of the objection period, the permit applicant shall forward to the commissioner (i) all objections received; (ii) a list of those landowners or residents who have consented, those who have objected, and those who have not responded; and (iii) proof that all landowners or residents have received written notice. Acceptable proof may include receipts of certified mail delivery or signatures secured at time of delivery.

#### **Sec. 22a-66z-1. Application of chemicals to state waters.**

(a) No person shall introduce or cause to be introduced any chemical into the waters of the State for the control of aquatic vegetation, fish populations, or other aquatic organisms without a permit issued by the Commissioner of Environmental Protection.

(b) Application for said permit shall be on forms provided by the Commissioner of Environmental Protection and shall include but need not be limited to the following information:

(1) Name and address of applicant,



- (2) The type of area to be treated (i.e. tidal waters, pond, etc.),
  - (3) Whether the area to be treated is in a public water supply watershed,
  - (4) The name, if any, and size of the area to be treated,
  - (5) Owner(s) of the area to be treated,
  - (6) Organisms to be controlled,
  - (7) Species of fish present,
  - (8) Chemicals to be applied,
  - (9) Quantity of each chemical to be applied,
  - (10) Person who will treat the pond,
  - (11) Any other information deemed necessary by the Commissioner of Environmental Protection,
- and
- (12) Signature of applicant or person responsible for the accuracy of the information in the permit application

(c) No person shall distribute, sell or offer for sale any pesticide for which a permit is required under this section unless the person receiving such pesticide has a valid permit issued by the Commissioner of Environmental Protection.

(d) Permits shall be signed by the pesticide distributor at the time of sale or distribution and shall remain in the possession of the permit holder. Once the permit is signed by the distributor, the permit will no longer be valid for the purchase of any chemicals.

(e) Permits shall be valid for one year following the date of issuance.

## Revisions of the Worker Protection Standard January 2002

In April 1995, the Environmental Protection Agency announced five changes to the Worker Protection Standard (**WPS**) for agricultural pesticides. These changes were in response to concerns raised by farm worker organizations that enhanced protections were needed for farm workers, as well as requests from a number of agricultural organizations and state regulatory agencies that exceptions to certain provisions of the 1992 **WPS** regulation were needed to add more flexibility and avoid significant losses. These five changes, discussed in further detail below, will: 1) modify the training requirements farmers must follow when hiring workers; 2) exempt certified crop advisors from the regulations; 3) provide an exception to the restricted entry interval (**REI**) for limited contact activities; 4) provide an exception to the **REI** from 12 hours to 4 hours for approximately 100 low risk pesticide active ingredients.

### I. Training Requirements

Beginning on January 1, 1996, employers must provide brief pesticide safety training information to untrained agricultural workers before they enter pesticide treated areas. Employers must also be able to verify compliance with this requirement. This requirement could be met by providing workers with written materials or by oral communication or other means. This pesticide safety information must consist of those components highlighted on the **WPS** safety poster and the advisory to workers that complete **WPS** Pesticide Safety Training will be provided within 5 days of entering a treated area. This differs from the original 1992 **WPS** which allowed a 15 day grace period for complete **WPS** worker training until October 1997.

The basic pesticide safety information must include the following concepts:

- ◆ Pesticide may be on or in plants, soil, irrigation water, or drifting from nearby applications.
- ◆ Prevent pesticides from entering your body by:
  - \*Following directions and/or signs about keeping out of treated or restricted areas
  - \*Washing before eating, drinking, using chewing gum or tobacco, or using the toilet
  - \*Wearing work clothing that protects the body from pesticide residues
  - \*Washing/showering with soap and water, shampoo hair and put on clean clothes after work
  - \*Washing work clothes separately from other clothes before wearing them again
  - \*Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body and, as soon as possible, showering, shampooing, and changing into clean clothes.
- ◆ Further training will be provided within 5 days.

To clarify, effective January 1, 1996, on Day 1 of working in a treated area, an agricultural worker must receive basic pesticide training information outlined above. On Day 6, he must receive complete pesticide training as defined by the 1992 **WPS**. This training information is available through use of **EPA's** manual entitled, "Protect Yourself from Pesticides-A Guide for Agricultural Workers", or through use of various **EPA** approved video tapes. Once a worker receives complete **WPS** training, he will not be required to be retrained for a period of 5 years.

Nothing in this exception changes the **WPS** training requirements for agricultural pesticide **handlers**.

### II. Exemption for Crop Advisors

In April 1995, EPA established a temporary grace period, which exempted all persons performing crop advisor activities from compliance with **WPS** until May 1, 1996. This grace period was to allow crop advisors time to acquire certification or licensing. EPA took this action to further its goals of promoting widespread adoption of Integrated Pest Management (IPM) techniques since crop advisors play important roles in fostering IPM programs.

Effective **May 1, 1996** certified or licensed crop advisors and persons under their direct supervision are exempt from **WPS** provisions, except for **WPS** pesticide safety training. Certified or licensed crop advisors may substitute pesticide safety training received during a Federal or state approved certification or licensing program if the training is at least equivalent to the **WPS** training. Through this action, EPA is exempting knowledgeable and experienced crop advisors, and persons under their direct supervision, from the **PPE**,

knowledge of labeling and site specific information, decontamination, and emergency assistance requirements of WPS **after pesticide applications are completed and only when performing crop advisors tasks.** Certified or licensed crop advisors are responsible for conveying to those individuals which they supervise: the appropriate personal protective equipment and decontamination supplies; the active ingredient of pesticide applied in treated area; method and time of application; REI; which tasks to undertake; and how to contact the crop advisor.

This exemption does not extend to workers and handlers employed by a grower who performs activities such as scouting or pesticide dispersion monitoring unless those workers and handlers are also certified crop advisors. Anyone performing crop advisor tasks after May 1, 1996 who has not acquired crop advisor certification or licensing must be afforded the same protections as pesticide handlers. (For specific requirements, please refer to pages 95-98 in the How to Comply manual.

### **III. Exception for Limited Contact Activities**

Under the WPS, each pesticide label specifies a restricted entry level (REI), usually ranging from 12 to 72 hours. The 1992 WPS limited worker early entry activity in treated areas under an REI to 1 hour in a 24 hour period. EPA received petitions from a coalition of agricultural organizations on this issue and, in April 1995, granted an exception to the WPS that would allow, under specified conditions, workers to enter pesticide treated areas during an REI to perform limited contact tasks that could not be foreseen and which, if delayed until the expiration of the REI, would cause significant economic loss. Some examples of limited contact tasks that qualify for the exception includes: the operation and repair of weather monitoring and frost protection equipment; the repair of greenhouse heating, air conditioning and ventilation equipment; the repair of non-application field equipment; the maintenance and moving of beehives. Some examples of hand labor activities and other tasks which would not qualify for this exception include: harvesting; thinning; weeding; topping; planting; sucker removal; packing produce into containers in the field; operating, moving or repairing irrigation equipment; and performing the task of a crop advisor.

This new exception will increase the time workers will be able to remain in treated areas under an REI for early activities from one hour to 8 hours within a 24 hour period providing the following conditions are met:

- 1) The worker's contact with treated surfaces is minimal and is limited to the feet, lower legs, hands and forearms.
- 2) The pesticide product does not have a statement in the labeling requiring workers to be notified both orally and by posting;
- 3) Personal protective equipment for early entry is provided to the worker and must either conform with the label requirements or include at least coveralls, chemical resistant gloves, socks, chemical resistant footwear, and eyewear (if eyewear is required by the product labeling);
- 4) No hand labor activity (such as hoeing, picking, pruning, etc.) is performed;
- 5) The workers do not enter the area during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specific inhalation exposure level has been reached;
- 6) Before workers enter a treated area under an REI, the agricultural employer shall give them oral or written notification of the specifics of the exception to early entry in a language the workers understand.

NOTE: Since this exception allows tasks to be performed during the REI, all persons engaged in the tasks under this exception must be trained prior to performing the tasks, in accordance with WPS.

### **IV. Exception for Irrigation Activities**

In **April 1995**, EPA completed an exception to the WPS that would allow under specified conditions, workers to enter pesticide treated areas during a REI to perform irrigation tasks related to operating, moving or repairing irrigation or watering equipment. This exception extends the time a trained worker may remain in a pesticide treated area to perform irrigation tasks from one hour to 8 hours within a 24 hour period.

The terms of this exception further require that the need for the task could not have been foreseen and cannot be delayed until after the expiration of the REI. A task that cannot be delayed is one that, if not performed before the REI expires, would cause significant economic loss, and there are no alternative practices, which

would prevent significant loss. (Discussions are currently underway with EPA to address watering needs in the greenhouse setting. At present, **this exception does not apply to routine watering needs in a greenhouse** since the need is not viewed as one that could not have been foreseen)

In addition to the above criteria, the terms of the exception for irrigation activities requires compliance with Items 1 through 6 listed above for the limited contact exception.

## **V. Reduced Restricted Entry Intervals for Low Risk Pesticides**

The 1992 WPS established an interim minimum REI of 12 hours for all end use pesticide products for agricultural uses. Since 1992, numerous registrants and pesticide users have asked EPA to consider reducing the minimum 12 hour REI for lower toxicity products that they believe do not need a 12 hour REI to protect workers. EPA has determined that the reduction of the REI for specific low risk pesticides can be accomplished without jeopardizing worker safety and should provide registrants with greater flexibility, while also promoting the use of inherently less toxic products over those with greater risks and longer REI's. Therefore, in April 1995, EPA established regulation to reduce the REI from 12 hours to 4 hours for a list of 114 active ingredients. EPA has instructed registrants to revise the labels of affected products to meet certain criteria. Pesticide users should examine labels closely for stickers or other indications of a reduced REI in accordance with this regulation.

The affected lower risk pesticides generally consist of microbial pesticides, biochemical pesticides and certain conventional agricultural pesticides.

## **VI. Warning Signs**

In 1996, the EPA amended the WPS to modify the warning sign size and language requirement. The amendment allows the substitution of the language commonly spoken and read by workers for the Spanish portion of the warning sign. The sign must be in the same format required by WPS and it must be visible and legible. Use of alternative languages is optional and the use of Spanish/English is always acceptable.

The amendment also allows the use of smaller signs provided that the minimum letter size and posting distance requirements are observed. In nurseries and greenhouses, smaller signs may be used at any time. A small sign may be used on a forest or farm if the treated area is too small to accommodate the standard sign.

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Please feel free to contact the DEP Pesticide Management Program if you have any questions on these or any issues related to the WPS. 860/424-3369

Information can also be obtained on the EPA website; [www.epa.gov/pesticides](http://www.epa.gov/pesticides)

**NOTE: The DEP Pesticide Management Program has a limited supply of WPS materials available at no charge on a first come first serve basis to anyone requesting them. They are as follows;**

**Worker Training Manual: "Protect Yourself from Pesticides - A Guide for Agricultural Workers"**

**Handler Training Manual: "Protect Yourself from Pesticides - A Guide for Pesticide Handlers".**

**EPA Worker Protection Standard - How to Comply Manual**

**EPA Worker Protection Safety Posters**

**Call the Pesticide Management Program at 860/424-3369 to request any of these materials.**